

## THE CONSTITUTIONALLY ILLITERATE AND THE SUPREMACY CLAUSE OF THE US CONSTITUTION

by Karen Bracken

We are repeatedly told that the Supreme Court is the final arbiter of the Constitution. This is so far from the truth and so far from what is documented by our founders on the subject. Our founders in their writings and in the “Federalist Papers” continuously state the final arbiter of the Constitution are those that created the federal government. The created does not control the creator.

Article VI Clause 2 clearly states laws passed by the federal government are only the law of the land when they are *in pursuance thereof* (the Constitution).

When the federal government passes law that steps outside of its constitutional lane the law is null and void and is no law at all. The creator of the federal government (the states and the people of the states) is not subservient to the created (the federal government). The states and the people of the states delegated just 18 enumerated legislative powers when the federal government was created. There is no clause in the original Constitution that gives the federal government more legislative power than was delegated by the states and the people of the states in Article 1 Sec. 8 of the Constitution. Case law does not override the original intent of the Constitution. The only way to override the original intent and the written word of the Constitution is through the amendment process not in the court room or by the constitutional illiteracy of the people that listen to “what they are told” instead of researching the truth for themselves.

Lawyers are one of the largest group of constitutionally illiterate and sadly we have a huge pool of lawyers in our government. Lawyers are not taught constitutional law. They are taught case law and precedent. Why is that the case? Why did they stop teaching constitutional law? I think the answer is quite obvious. But these Lawyers when sworn into office swear an oath to defend and support the Constitution. How can they swear an oath to a document they probably have never read and surely do not understand. The prime example is the distortion of many of the clauses in the Constitution. The biggest violations is their misinterpretation of the Supremacy Clause, the General Welfare Clause and the Commerce Clause. None of these clauses was ever intended to extend the authority of the federal government beyond their 18 delegated legislative powers in Art. 1 Sec. 8. Remember, the House of Representatives was created to represent the people. The House of Representatives, both federal and state, today is packed with lawyers and doctors and no longer is a representation of the people. The House of Representatives was never meant to be a career. It was expected that people would leave their homes, jobs and families to serve in Congress and when their term was over they went back home to their jobs and their families. Now this might not be possible in our current society but we truly need to stop electing people that do not represent the majority of the American population.

Article VI Clause 2 (The Supremacy Clause)

***This Constitution**, and the Laws of the United States which shall be made in **Pursuance thereof**; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.*

Now anyone with a 3<sup>rd</sup> grade ability to read, comprehend what they read, understand punctuation placement could see that Art. VI Clause 2 clearly states that the **Constitution** and laws made in **pursuance thereof** are the law of the land. But most lawyers and many citizens today believe the Supreme Court is the law of the land. If that is true then why did our founders clearly list 18 enumerated legislative powers delegated to the federal government. The Supreme Court justices are selected rather than elected in order to keep them non-political but over the decades that has changed drastically. The Supreme Court today is every bit as political as any elected official and our founders knew that one day that would happen. So, it would make no sense to believe

our founders expected the Supreme Court would be the final arbiter over the states and the people of the states. Also, in Art. 1 Sec. 9 and Sec. 10 we find what the federal government and the states cannot do. When someone tells you that a state cannot nullify an unconstitutional law refer them to Art. 1 Sec. 10. There is nothing in the Constitution that forbids a state and the people of the state from refusing to comply with an unconstitutional law. When reading the 18 enumerated legislative powers in Art. 1 Sec. 8 do you see any power given to the federal government over health, education, marriage, environment? No, you will not. But they twist the Supremacy Clause, the General Welfare Clause and the Commerce Clause to control people and expand their own power. The same as the Supreme Court did in 1803 (Marbury v Madison) when they themselves declared the Supreme Court as the final word on the Constitution. I highly doubt any member of the federal government knows more of the intent of our Constitution than the men that wrote that brilliant document. But if one were to study the Federalist Papers which are a set of 85 articles written to clarify the Constitution to the people who were resisting the ratification of the Constitution for fear they would end up being under the tyranny of a King and read the simple text of the Constitution it is clear our founders intent was for the people of America to never again be ruled by a King.

In the words of Benjamin Franklin when asked what kind of government he gave us he replied: "Madam a republic if YOU can keep it." It was the intent of our founders that the states and the people of the states would keep the federal government inside its lane in order to secure our republic and We The People have failed miserably to protect what our founders gave their lives, their fortunes and their sacred honor in order to create a more perfect union for generations to come.

From the words of our founders:

*"On every question of construction, (Let us) carry ourselves back to the time when the Constitution was adopted, recollect the spirit manifested in the debates, and instead of trying what meaning may be squeezed out of the text, or invented against it, conform to the probable one in which it was passed."* Thomas Jefferson (Jefferson obviously knew people would stray from the original intent in order to fit a political narrative)(emphasis is mine)

*"The power under the Constitution will always be in the people."* George Washington

*"The states being the parties to the constitutional compact, and in their **sovereign capacity**, it follows of necessity, **that there can be no tribunal** (a court or forum of justice) above their authority, **to decide in the last resort**, whether the compact made by them be violated; and consequently that as the parties to it, they must themselves decide in the last resort, such questions as may be of sufficient magnitude to require their interposition."* James Madison (emphasis is mine)

*"The several states that formed that instrument (meaning the Constitution), being sovereign and independent, **have the unquestionable right to judge of its infraction; and that nullification, by those sovereignties, of all unauthorized acts done under colour of that instrument, is the rightful remedy.**"* Thomas Jefferson (emphasis is mine)

*In Federalist 45 Madison observed "the powers **delegated** by the proposed Constitution are **few and defined**. **Those that are to remain in the state government are numerous and indefinite.**"* (emphasis is mine)

Madison wrote in 1800: *"the general welfare clause cannot enlarge the enumerated powers vested in Congress. Every tyrant claims to be promoting the general welfare"*

*“To consider the judges as the ultimate arbiters of all constitutional questions is a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. Our judges are as honest as other men and not more so. They have, with others, the same passions for party, for power, and the privilege of their corps.”* Thomas Jefferson

James Madison in Federalist #40 noted: *“that the general powers are limited and the states in all unenumerated cases, are left in enjoyment of their sovereign and independent jurisdiction.”*

Federalist #45 he observed: *“The powers delegated by the proposed Constitution to the federal government, are few and defined. Those which are to remain in the State governments are numerous and indefinite”.*

When you attend campaign speeches of people running for local, state or federal offices you need to make challenging their knowledge of the original intent of the Constitution as your top priority. Nothing else matters if these people have no understanding of who has the final word. If your elected do not understand the original intent of the Constitution then you need to refuse to vote for them and do all you can to get them out of office. Ask them one simple question: Who is the final arbiter of what is or is not constitutional? If they answer the Supreme Court, the courts or the federal government strike them off your list.

I hope you will find this information worthy to share. We need to reduce the number of constitutionally illiterate people in our country if we are to have any chance at all of saving this country.